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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,120	10/06/2003	Wang Tien Wang	MR3015-48	1067
36672	7590	10/25/2004	EXAMINER	
NGUYEN, DUNG V				
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			ART UNIT	PAPER NUMBER
			3723	
DATE MAILED: 10/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,120

Applicant(s)

WANG, WANG TIEN

Examiner

Dung V Nguyen

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yan (USPN 6,342,000). Yan discloses a sand-belt finishing machine comprising a main frame substantially L-shaped and including a longitudinal portion 12 and a transverse portion 10, a grinding device 40 having a first end rested on and fixed to a first side of the longitudinal portion 12 of the main frame, a second end formed with a free end, a driving device for driving the grinding device 40, a lift device mounted on the transverse portion 10 of the main frame and includes a lift platform 11 that is movable relative to the grinding device 40, wherein the longitudinal portion 12 and transverse portion 10 of the main frame form a substantially L-shaped opened space, wherein the grinding device 40 is located in the opened space, wherein the longitudinal portion 12 of the main frame is connected with the transverse portion 10 of the main frame (note Fig. 1, col. 2, lines 17-38). Yan does not disclose expressly two grinding devices and the driving device mounted on a second side of the longitudinal portion of the main frame. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to select two grinding devices instead of one grinding device and a driving device mounted on a second side of the longitudinal

portion of the main frame because Applicant has not disclosed that two grinding devices and a driving device mounted on a second side of the longitudinal portion of the main frame provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either one or two grinding devices and a driving device mounted on a transverse portion or mounted on a second side of the longitudinal portion because one or two grinding devices perform the same function of grinding a workpiece and a driving device performs a function of driving a sanding belt whether it is mounted on a transverse portion or mounted on a second side of the longitudinal portion. Therefore, it would have been an obvious matter of design choice to modify Yan to obtain the invention as specified in claims 1-6.

Response to Arguments

3. Applicant's arguments filed 6 October 2004 have been fully considered but they are not persuasive. In response to applicant's argument that Yan reference does not teach grinding device has a first end rested on and fixed to a first side of the longitudinal portion of the main frame and the grinding device is supported by the longitudinal portion of the main frame and a lift device including a lift platform that is moveable relative to the two grinding device and the transverse portion of the main frame, figure 1 of Yan reference clearly shows grinding device 40 has a first end rested on and fixed to a first side of the longitudinal portion 12 of the main frame and the grinding device 40 is supported by the longitudinal portion 12 of the main frame and a lift device including a lift platform 11 that is moveable relative to the grinding device 40 and the transverse portion 10 of the main frame. In response to applicant's argument that Yan reference

does not teach a driving device mounted on and protruded outward from a second side of the longitudinal portion of the main frame for driving the two grinding devices and a lift device including a lift platform that is moveable relative to the two grinding device and the transverse portion of the main frame, as stated in the rejection above, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to select two grinding devices instead of one grinding device and a driving device mounted on and protruded outward from a second side of the longitudinal portion of the main frame for driving the two grinding devices and because Applicant has not disclosed that two grinding devices and a driving device mounted on a second side of the longitudinal portion of the main frame provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either one or two grinding devices and a driving device mounted on a transverse portion or mounted on a second side of the longitudinal portion because one or two grinding devices perform the same function of grinding a workpiece and a driving device performs a function of driving a sanding belt whether it is mounted on a transverse portion or mounted on a second side of the longitudinal portion.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
5. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DVN
October 23, 2004


DUNG VAN NGUYEN
PRIMARY EXAMINER